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PTO/GB/04 (10-05)

Approved for use through 07/31/2006. OMB 0831-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

Gojny.F-01

First named inventor: Francis Joseph Gojny

Application No.: 10/634515

Art Unit: 3711

Filed: 8/4/03

Examiner: Raeann Gordon

Title: Golf Ball and Method of Manufacture

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$7,500.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of an amendment

06/22/2006 BABRAHA1 00000052 10634515
(date of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

753.00 op

B. The issue fee and publication fee (if applicable) of \$ _____

☐ has been paid previously on _____
☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/04 (10-05)

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Gene Scott
Signature

June 20, 2006
Date

Gene Scott
Typed or printed name

37930
Registration Number, if applicable

Customer 22197
Address

714/ 668-1900
Telephone Number

Address

Enclosures: ☒ Fee Payment (PTO-2038)

☒ Reply (Response to Office letter dated 9/22/04)

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay (1 sheet)

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

6/20/06
Date

Gene Scott
Signature

Gene Scott
Typed or printed name of person signing certificate

(Page 2 of 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION SUPPORTING PETITION TO REVIVE

Application 10634515 was filed with the US PTO on 8/4/03 and an official filing receipt dated 11/4/03 was received by our office. An Office action letter (Election/Restriction) dated 7/23/04 was received by our office and was responded to on 8/21/04. An Office action letter (claims rejection) dated 9/22/04 was received by our office. Our office notified client on 9/25/04, and no response was received although several attempts to contact the client by post and phone were made. We received a notice of abandonment on 4/7/05 and forwarded that document to the same client address on file which is:

Dr. Frank Gojny, 5388 Dressage Drive, Bonita, CA 91902

I now have come to understand that Dr. Frank Gojny was irresponsible in handling this matter and for his own reasons did not inform us to change the client address to another the assignee, Dr. Gojny's employer.

Element 21 Corp., 99 Harbour Square, Suite 3106, Toronto M5J 2H2, Canada

This company is the assignee of the instant application and was unaware of the failure on the part of Dr. Gojny to take action in the instant application. Therefore, the abandonment in this case was unintentional and a petition to revival under 37 CFR 1.137(b) is herewith filed.

I declare that the entire delay was unintentional, a reply to the Office rejection is enclosed herewith.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the Request for Revival of the instant application.

Signature of Declarant:  Date 6/20/06

Printed name and address: Gene Scott Registration No.: 37930, Customer Number: 22197